IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON	)	
	)	No. 63807-6-I
Respondent,	)	
	)	DIVISION ONE
v.	)	
	)	UNPUBLISHED OPINION
PAUL MELVEN BALLARD,	)	
	)	
Appellant.	)	FILED: April 12, 2010

Grosse, J. — Because the DNA (deoxyribonucleic acid) collection fee authorized by RCW 43.43.7541 is not punitive, the savings statute does not apply and the fee provision in effect at the time of sentencing controls. Here, the provision in effect at the time of sentencing required mandatory imposition of the DNA collection fee. Thus, the trial court properly imposed the fee and counsel was not ineffective for failing to object. Accordingly, we affirm.

FACTS

On May 26, 2009, Paul Ballard was found guilty of second degree identity theft and forgery. Both crimes were committed on March 14, 2008. On July 6, 2009, he was sentenced. The court imposed a standard range sentence of 10 months confinement and ordered him to pay restitution, the victim penalty assessment and the DNA collection fee of $100. The court waived all other “non-mandatory costs, fees and

assessments." Counsel did not object to the court's imposition of the fees.

ANALYSIS

Ballard argues that the trial court erred by imposing the DNA collection fee because it was not a mandatory fee at the time he committed the offense. He argues that applying the mandatory fee provision in effect at the time of sentencing[1] violates the savings statute.[2] But as Ballard acknowledges, we have already rejected this argument in State v. Brewster[3] and State v. Thompson[4] and held that the savings statute did not apply because the DNA fee is not punitive. Ballard provides no persuasive reasons to overrule these decisions. We likewise reject his ineffective assistance of counsel argument because there was no basis for counsel to object to the properly imposed DNA collection fee.

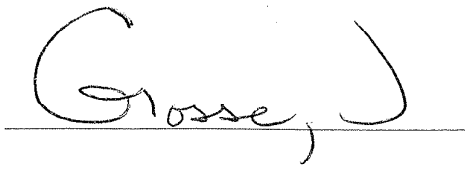
Statement of Additional Grounds

Ballard also raises a number of arguments in a statement of additional grounds. He contends that the State failed to prove that he altered any document, failed to prove intent, entered an unsigned document as evidence and never had a credit card as evidence. He also disputes a witness's testimony that the credit card was manually made. He further contends that both the judge and his attorney committed misconduct by hollering at him (the judge) and threatening him (the attorney). Finally, he asserts that the evidence was insufficient to support a conviction and that his right to effective assistance of counsel, civil rights, speedy trial rights and due process rights were

[1] RCW 43.43.7541 (effective June 12, 2008).
[2] RCW 10.01.040.
[3] 152 Wn. App. 856, 218 P.3d 249 (2009).
[4] 153 Wn. App. 325, 223 P.3d 1165 (2009).

violated, simply reciting the legal standards for such claims. Because he fails to substantiate these claims and we may not consider challenges to the facts on appeal, the claims are without basis.

We affirm.



WE CONCUR: